

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 2, 7-23, 28-33, 37, 38, 40 and 41 remain pending in this application, with Claims 1, 22, 37, 38, 40 and 41 being independent. Claims 1, 22, 37, 38, 40 and 41 have been amended herein. Support for the amendments can be found throughout the originally filed disclosure, for example, in the specification at page 34, line 24 through page 35, line 3. Thus, Applicant submits no new matter is presented in the amendments.

Claims 1, 2, 7-9, 12-14, 16, 22, 23, 28-30, 37, 38, 40, and 41 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2002/0003576 (Konishi, et al.) in view of U.S. Patent Application Publication No. 2002/0093439 (Lundin, et al.). Claims 15 and 33 were rejected under § 103 as being unpatentable over Konishi, et al. in view of Lundin, et al. and further in view of U.S. Patent No. 7,124,427 (Esbensen). Claims 10, 11, 21, 31, and 32 were rejected under § 103 as being unpatentable over Konishi, et al. in view of Lundin, et al. and further in view of U.S. Patent No. 6,369,835 (Lin). Claims 17 was rejected under § 103 as being unpatentable over Konishi, et al. in view of Lundin, et al. and further in view of U.S. Patent No. 6,804,302 (Yamada, et al.). Claims 18 and 19 were rejected under § 103 as being unpatentable over Konishi, et al. in view of Lundin, et al. and U.S. Patent No. 6,369,835 (Lin).

These rejections are respectfully traversed.

The Office Action finds Konishi, et al. discloses, *inter alia*, a method of storing data, comprising the steps of storing data, as one or more data samples, in a media file configured for use by a media player application in playing the data sample; and storing, in an index file associated with the media file, information for instructing the media player application where to find each of the data samples in the media file, wherein the media file further comprises additional information interspersed throughout the media file, wherein the additional information comprises at least a timestamp indicating a capture time of an associated data sample. The Office Action further asserts Konishi, et al. discloses a method of storing video data and associated text data which includes similar steps to the method of storing data; an apparatus for storing data and an apparatus for storing video and associated text data which include structures for performing a method which generally includes the same steps as in the disclosed method of storing data; and a computer program product which comprises code for performing a method which generally includes the same steps as in the disclosed method of storing data.

Applicant respectfully submits, however, that Konishi, et al. fails to teach or suggest a method for storing data as recited in amended independent Claims 1, 22, 37, 38, 40, and 41. For example, Konishi, et al. does not disclose storing in an index file an offset value for each of the data samples representing a location of each of the data samples in the media file. Instead, Konishi, et al. appears to teach index files which include index images (e.g., JPEG thumbnails). See, e.g., paragraphs [0021], [0127], and [0128]. Nowhere does Konishi, et al. appear to teach or

suggest “storing in an index file associated with the media file, at least an offset value for each of the data samples representing a location of each of the data samples in the media file” as recited in the method of independent Claim 1. Therefore, Konishi, et al. also does not appear to teach or suggest the use of a “reconstructive index file comprising the offset values representing the locations of each of the data samples in the media file” as also recited in independent Claim 1. For similar reasons Konishi, et al. does not appear to teach or suggest storing an offset value as recited in the method of Claim 22, an index file generation means for storing an offset value as recited in the apparatuses of Claims 37 and 38, or code for storing an offset value as recited in the computer program products of Claims 40 and 41.

Applicant further submits Lundin, et al. does not cure the deficiencies of Konishi, et al. That is, Lundin, et al. does not disclose storing in an index file an offset value for each of the data samples representing a location of each of the data samples in the media file. Thus, Applicant submits independent Claims 1, 22, 37, 38, 40 and 41 are not taught or suggested by the combination of Konishi, et al. and Lundin, et al.

Applicant further submits the combination of Konishi, et al. and Lundin, et al. fails to suggest the invention recited in independent Claims 1, 22, 37, 38, 40 and 41, as the references are not properly combinable to form a rejection under 35 U.S.C. § 103. Konishi, et al. is related to a video camera apparatus, and more particularly, to a video camera apparatus for recording a video signal obtained by video shooting after encoding it by a compression-encoding scheme such as MPEG4. See, e.g., paragraph [0002]. Lundin, et al., on the other hand, appears to relate to the

field of analog-to-digital conversion (ADC), and specifically deals with calibration of ADCs that intended to operate in a wide frequency band. See, e.g., paragraph [0002]. Given the non-analogous teachings of the references, Applicant submits that one of ordinary skill in the art when considering the video camera apparatus of Konishi, et al. would not look to the teachings of Lundin, et al. with respect to ADCs to somehow derive the invention recited in the claims of the present application, absent impermissible hindsight of the present application.

Applicant further submits none of the other art of record makes up for the deficiencies of Konishi, et al. and Lundin, et al.

Accordingly, independent Claims 1, 22, 37, 38, 40 and 41 are patentable over the citations of record. Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

Dependent Claims 2, 7-21, 23 and 28-33 are also allowable, in their own right, for defining features of the present invention in addition to those recited in the independent claims. Individual consideration of the dependent claims is requested.

The amendments to the claims were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues

requiring further consideration or search. Accordingly, it is submitted that entry of the Amendment is appropriate.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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